

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ARROW COMMUNICATION LABORATORIES, INC.,  
and TRESNESS IRREVOCABLE PATENT TRUST,

Plaintiffs and Counterclaim  
Defendants,

vs.

5:05-CV-1456 (Lead Case)  
5:05-CV-703 (Member Case)

JOHN MEZZALINGUA ASSOCIATES, INC.,

Defendant and Counterclaim  
Plaintiff.

APPEARANCES:

OF COUNSEL:

Rader Fishman & Grauer, Law Firm  
39533 Woodward Avenue, Suite 140  
Bloomfield Hills, Michigan 48304  
and  
Rader, Fishman & Grauer Law Firm  
800 Palisades Avenue  
Fort Lee, New Jersey 07024  
Attorneys for Arrow Communication Laboratories,  
Inc. and Tresness Irrevocable Patent Trust

Glenn E. Forbis, Esq.  
R. Terrance Rader, Esq.  
Shelly L. Hokenstad, Esq.  
  
Charles W. Bradley, Esq.

Wall, Marjama & Bilinski, LLP  
250 Clinton Street. Suite 300  
Syracuse, New York 13202  
Attorneys for John Mezzalingua Associates, Inc.

James R. Muldoon, Esq.  
Denis J. Sullivan, Esq.  
Thomas Hoehner, Esq.

**Hon. Norman A. Mordue, Chief U.S. District Judge**

**JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT**

I have been informed by Magistrate Judge David E. Peebles that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with

prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is hereby,

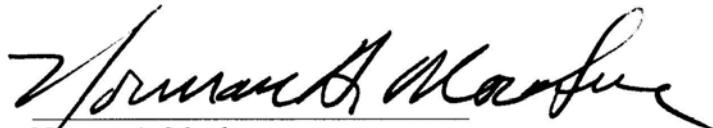
ORDERED that the above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it is further

ORDERED that the telephone conference scheduled for May 20, 2009, with the undersigned is cancel.

IT IS SO ORDERED

Date: April 30, 2009



Norman A. Mordue  
Chief United States District Court Judge